

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Stephen George Spartz,
Plaintiff,

Case No. 19-cv-2163 PJS/ECW

v.

ORDER

Stefanie Lyn Menning,
Defendant.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Elizabeth Cowan Wright dated January 18, 2021, all the files and records, and no objections having been filed to said Report and Recommendation, **IT IS HEREBY ORDERED** that

1. Defendant Stefanie Lynn Menning's Motion to Dismiss for Lack of Subject Matter Jurisdiction and for Judgment on the Pleadings (Dkt. 23) is **GRANTED IN PART** and **DENIED IN PART** as follows:
 - a. Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction is **GRANTED**, and
 - b. Defendant's Motion for Judgment on the Pleadings is **DENIED AS MOOT**.
2. Plaintiff Stephen George Spartz's "Motion: Removal Petition with the Federal Court, Motion to Withdraw Case from United States District court – District of Minnesota and Remand Case Back to a State Court/Carver County or Another County of Choice" (Dkt. 39) is **DENIED**;

3. Plaintiff Stephen George Spartz's "Motion-Response to Demand, Notice of motion to dismiss demand for Expert affidavit" (Dkt. 41) is **DENIED**;
4. Plaintiff Stephen George Spartz's "Motion: to have hearing on this Minn. Stat. 544.42 Expert Review dated May 15, 2020" (Dkt. 46) is **DENIED**;
5. Plaintiff Stephen George Spartz's "Motion: Order Granting Plaintiffs Removal Petition with the Federal Court and/or Order Granting Motion to Withdraw Case from United States District Court – District of Minnesota and Remand Case Back to State Court" (Dkt. 50) is **DENIED**; and
6. That this action is **DISMISSED WITHOUT PREJUDICE**.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: 2/12/21

s/Patrick J. Schiltz
PATRICK J. SCHILTZ
United States District Judge